

Staff Summary Report



Hearing Officer Hearing Date: July 17, 2007

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the **FRYE RESIDENCE (PL070256)** located at 440 West 5th Street for one (1) use permit.

DOCUMENT NAME: 20070717dssa02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **FRYE RESIDENCE (PL070256)** (David Frye, applicant/property owner) located at 440 West 5th Street in the R-3, Multi-Family Residential Limited District for:

ZUP07081 Use permit to allow live/work.

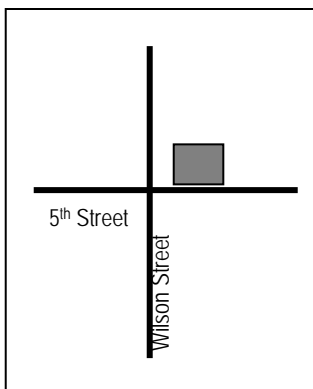
PREPARED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 – 4).

ADDITIONAL INFO: The applicant is requesting a use permit to allow live/work privileges for his property located at 440 West 5th Street in the R-3, Multi-Family Residential Limited District. The property is sited at the northeast corner of 5th and Wilson Streets. All surrounding properties are also zoned R-3. To date, there has been no public input received. Staff recommends approval of the request with conditions.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site Plan
5. Floor Plan
- 6-9. Staff Photograph(s)

COMMENTS:

The applicant is requesting a use permit to allow live/work privileges for his property located at 440 West 5th Street in the R-3, Multi-Family Residential Limited District. The property is sited at the northeast corner of 5th and Wilson Streets. All surrounding properties are also zoned R-3. For nearly 30 years (from the mid-1960's to the mid-1990's, the site was utilized as a commercial day-care facility. Subsequent to that use, the property became residentially leased as off-campus student housing. Until recently, it remained a rental property.

To date, staff has received no public input to the request..

Use Permit

The Zoning and Development Code requires live/work uses to obtain a use permit in the R-3, Multi-Family Residential Limited District . This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - This use should not create a significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The proposal is a live/work use; there should be no nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed live/work should not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request with conditions.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit(s) becoming effective.
3. Employees are required to park in the subject property's drive.
4. The applicant shall follow the guidelines pursuant to Live-Work within Section 3-414 and Appendix N. of the City of Tempe's Zoning and Development Code.

HISTORY & FACTS:

None Pertinent to this request.

DESCRIPTION:

Owner – David Frye
Applicant – David Frye
Existing Zoning – R-3, Multi-Family Residential District
Lot Size – 6,098 s.f. / .14 acres
Building Size – 2,106 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

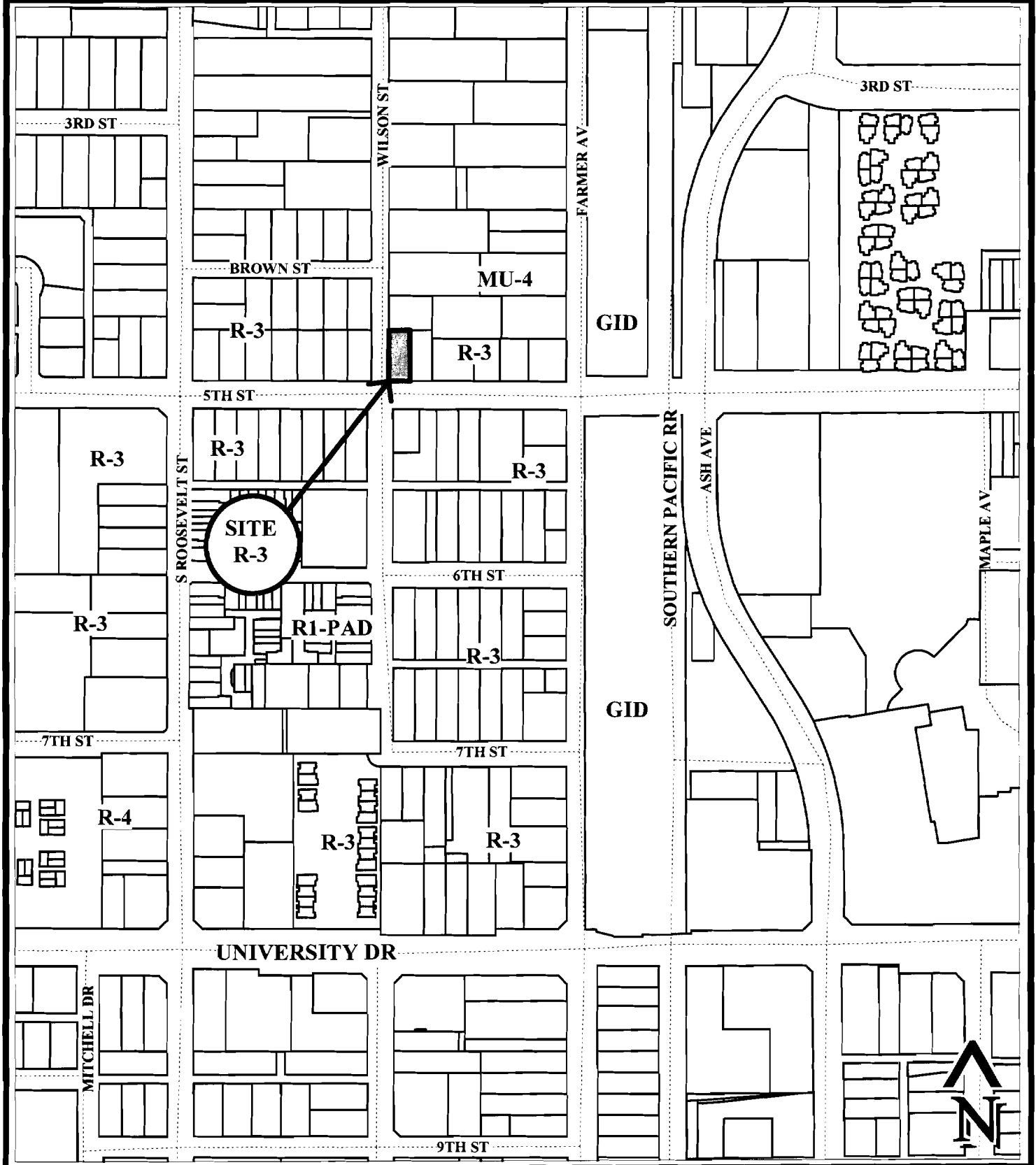
Part 3, Chapter 2, Section 3-101
Permitted Uses in Residential Districts – Table 3-102 – Live/Work in R-3, Multi-Family Residential Limited District requires a use permit;

Part 6, Chapter 3, Section 6-308
Use Permit.

Appendix N. – Home Occupations

FRYE RESIDENCE

PL070256





FRYE RESIDENCE (PL070256)

Hearing Office-Application for Use Permit/Live-Work Space
Letter of Explanation for; 440 W. 5th Street, Tempe, AZ. 85281

This property is located on the North/East corner of 5th Street and Wilson Street; it's centrally located in the Downtown redevelopment area of Tempe. Considering all of the new Condos/Lofts/Retail development in the area of this building, we feel that the conversion of this stated property to a Live/Work space would encourage an operator of a small business that desired to live but also work in the area among the up and coming professionals. The new E Train would also accomplish this as a desirable location for Live/Work. This building needs this modification to step in this direction. Looking at as a speculation, which would adhere to Section 3-414; A. Employees would be limited to 2, in addition to the family members residing in the dwelling that may work on the premises. Additional employees may be allowed, subject to the use permit.

B. Signs are permitted, that do not exceed two (2) square feet.

C. Also will comply with the parking guidelines.

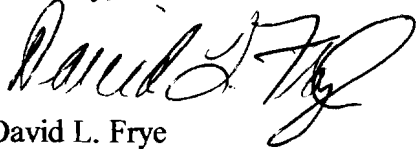
As the owner of this property we feel that the adjustment to Live/Work would blend well and we could attract a more desirable client and also improve the image of the area.

This use permit that is being requested for the building and would not cause any of the following to affect the surrounding area;

- a. not cause any significant vehicular or pedestrian traffic in adjacent areas, and
- b. not cause any nuisance (odor, dust, gas, noise vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions, and
- c. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policy of the City, and
- d. be compatible with existing surrounding structures, and
- e. not result in any disruptive behavior, which may create a nuisance to the surrounding area or general public.

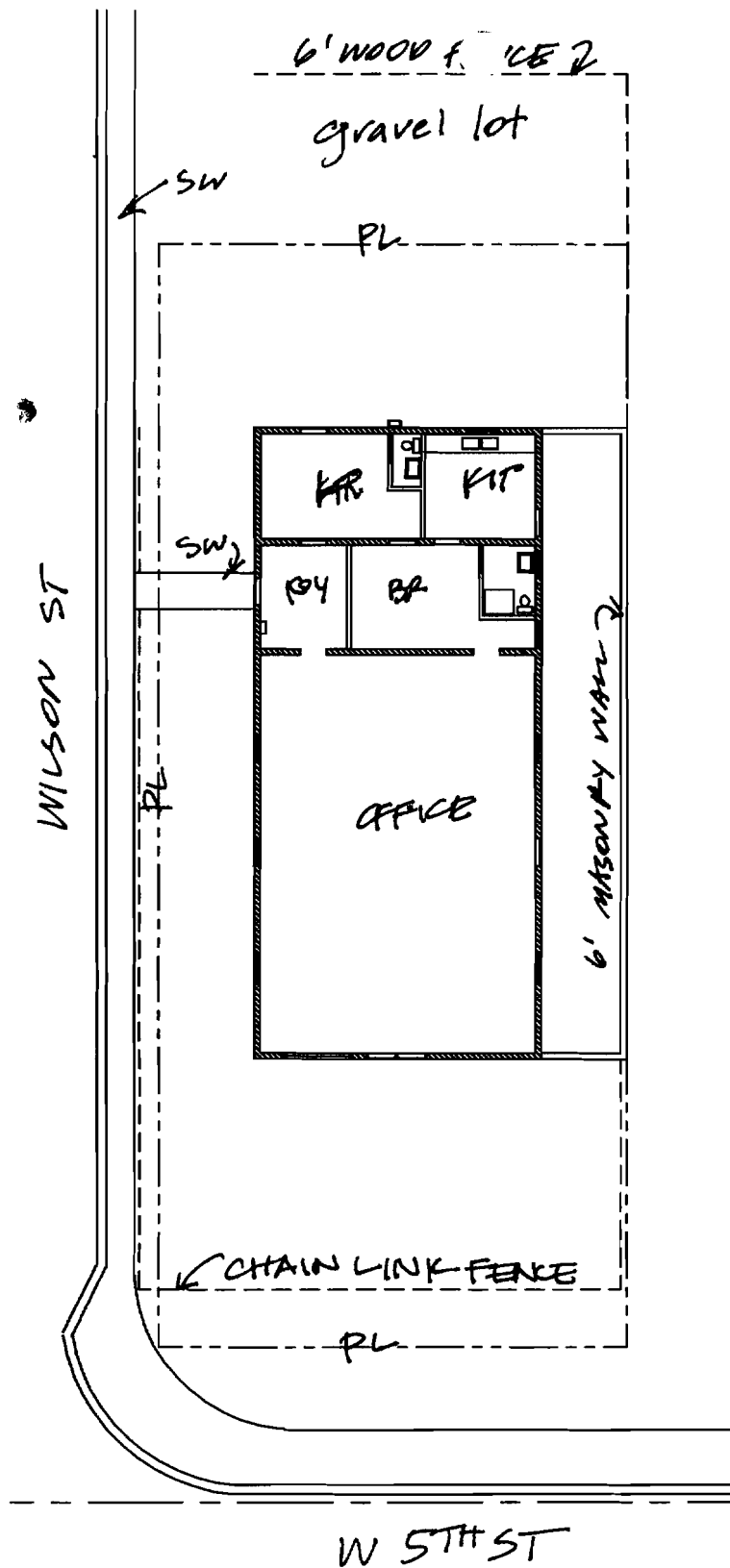
Thank you for your consideration.

Sincerely,



David L. Frye
Owner

RECEIVED
07 JUN 29 PM 12:57
TEMPE-REDEVELOPMENT
SERVICES DEPARTMENT



PROJECT INFORMATION

Frye residence Live/Work use permit application

Owner: DAVID LEE FRYE

2113 W ELLIOT RD

CHANDLER AZ 85224 USA

Property Address: 440 W 5TH ST

TEMPE 85281

Parcel #: 124-32-036

Proposed Use: Live/Work space for professional

landscape architectural office

Existing Zoning: Tempe R-3

Assessor M-H

Legal Description: TR 3 PT LOTS 1 & 2 BEG AT

PT 40' E OF SE COR LOT 1

VISTA DEL RIO TR TH E 50' N

120' W 50' S 120' TO TRUE

POB .14 AC Section Township

Range: 16 1N 4E

Description of work:

Planning Application for use permit
Building Safety Conversion of living space to

live/work office space

APPLICANT INFORMATION

DAVID LEE FRYE

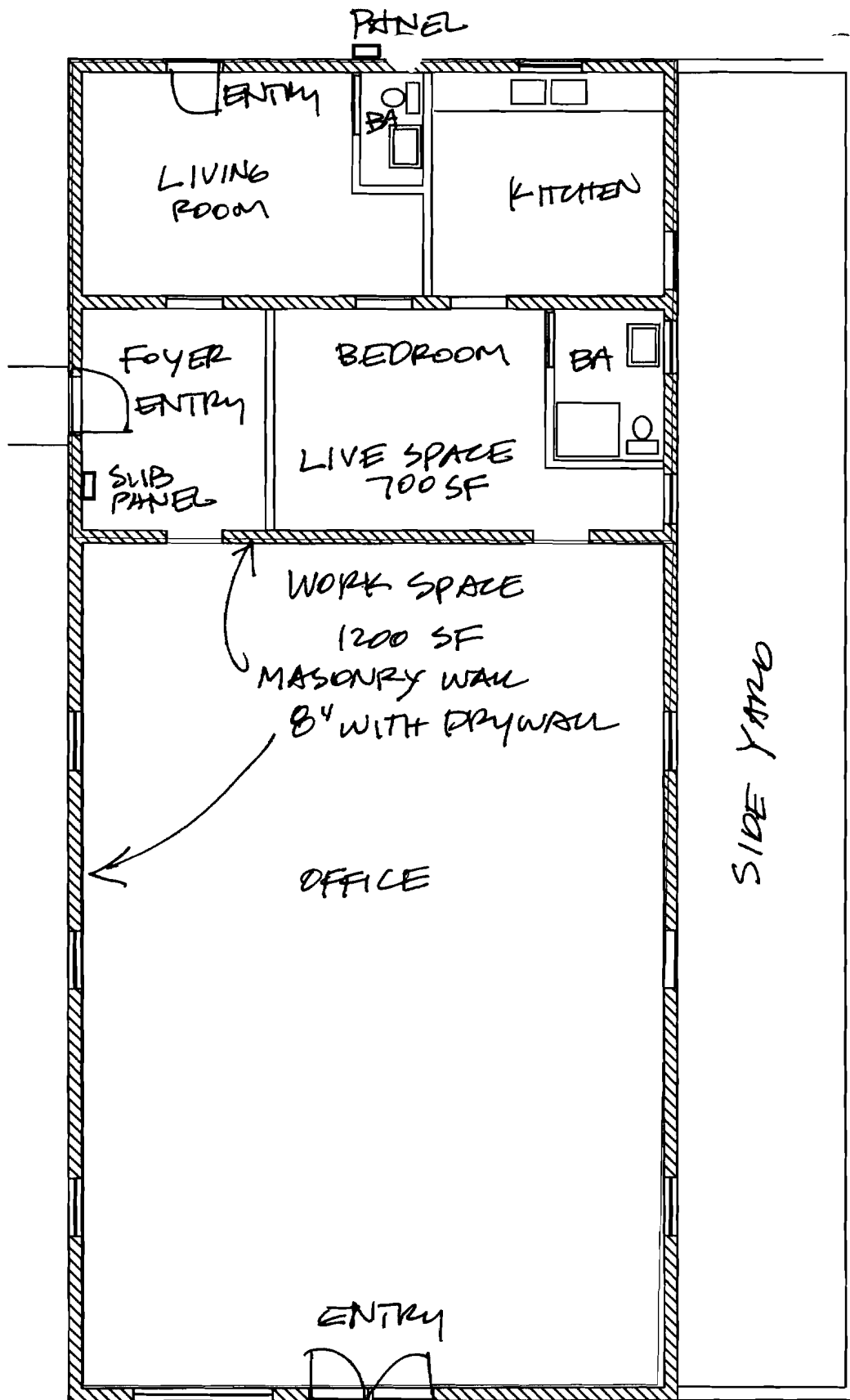
2113 W ELLIOT RD

CHANDLER AZ 85224 USA

PARKING PROVIDED: 5 SPACES

site plan

1"=20'-0" north



floor plan

1/8"=1'-0" north

PROJECT
INFORMATION
Frye residence
Live/Work use permit
application
Owner: DAVID LEE
FRYE
2113 W ELLIOT RD
CHANDLER AZ
85224 USA
Property Address: 440
W 5TH ST
TEMPE 85281



FRYE RESIDENCE

440 W. 5TH ST.

PL070256

REAR OF PROPERTY: VIEW TO THE EAST



FRYE RESIDENCE

440 W. 5TH ST.

PL070256

FRONT OF PROEPRTY: VIEW TO THE NORTH



FRYE RESIDENCE

440 W. 5TH ST.

PL070256

**REAR OF PROPERTY: NONCOMPLIANT LIGHT
FIXTURE.**